

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14069 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Leela Devi wife of Umesh Mukhiya Village- Aurahi Ps- K. Asthan Dist-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ugranath Mallik
For the Opposite Party/s : Mr.Bishweshwar Ram

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 28-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
K. Asthan P.S. Case No.253 of 2023 registered for the offence
under Sections 30(a) and 37(c) of the Bihar Prohibition and
Excise Act.

3. As per FIR, there is recovery of 5 litre of
illicit liquor from Aurahi railway line.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that petitioner was
not arrest from spot, where, his name surfaced on the basis of
statement of local Chaukidar. It is submitted that recovery of



alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from an open place i.e. railway line. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as recovered place. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 20.01.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with K. Asthan P.S. Case No.253 of 2023 on furnishing bail personal bonds of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, Excise Act, Darbhanga.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the above named petitioner shall be



released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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